App. F. IX-4

Previous References

1931.
Legis)

File No. 25-31

Serial Nos. 1

Later References
Legis 25-31-2-3

PRESERVED

General and Revenue Secretariat.

Serial Nos. one

Part B for August 1931.

SUBJECT.

National Status of British protected persons and their descendants in Persia.

Mr. Hamid Aziz
9-9-31

548

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

This has perhaps to be dealt with in the P. P. section to whom it may be transferred

See
3P/7 Mulle

Ref. Section Ex
3/9

The Protection Branch may post up reference if any interdiction of a Nationality Law as suggested is in any

A 7/9

There are no special naturalisation Laws in the State and no necessity therefor seems to have arisen in the past.

Sub
Done
4/8

No cases of emigrants from Mysore into Persia have arisen the matter may be considered when there is demand for such

Chief Secretary) MW 8/8 1/6/8/31

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GOVT. EXAMINER'S OFFICE
5 AUG. 1931

548

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submit with draft for orders. The Attorney in forwarding the correspondence state that he would like such action as they consider necessary

Bill 8/8

A reply does not seem to be necessary

Chief Secretary

I agree

for perusal

15/8

I Member

GENERAL SECRETARY
10 AUG. 1931
No. 1120

OFFICE OF THE
FIRST MEMBER OF COUNCIL
17 AUG. 1931
No. 1826

18/8/31

18/8

18/8/31

B
19/8

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

548 P 31 1

CONFIDENTIAL

No.C/9256/85 of 1931.

All communications should be addressed to the Secretary to the Resident Mysore, Bangalore, by designation and not by name.

Legis 25-35-1 Vol. 164

FROM

Captain G. Kirkbride, I.A.

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of Mysore,

Bangalore.

Dated Bangalore, 29th July 1931.

Subject. National Status of British-protected persons and their descendants in Persia.

SIR,

I am directed to enclose a copy of a confidential letter No.D.1463-P/31 dated the 6th July 1931, from the Deputy Secretary to the Government of India, Foreign and Political Department, with the request that the Government of Mysore will take such action as they consider necessary.

I have the honour to be,

Sir,

Your obedient servant,

SECRETARY TO THE RESIDENT IN MYSORE.

CONFIDENTIAL.

No. D.1463-P/31.

From

The Deputy Secretary to the Government of India
in the Foreign and Political Department,

To

The Hon'ble the Resident at Hyderabad.

The Resident in Kashmir.

Dated Simla, the 6 July 1931.

National Status of British-protected persons and their descendants in Persia.

Sir,

I am directed to refer to the correspondence ending with your letter No. 153-J/F.732-30 / D.1446/29, dated the 20th January 1931 / 3rd April 1929, regarding the national status of descendants of British-protected persons born in Persia.

2. From a perusal of the Persian Law of Nationality promulgated on the 7th September 1929 (copy enclosed) it will be observed that in order to secure the right to receive British protection in Persia to descendants born in Persia of an emigrant from a place, the nationals of which are British-protected persons, two conditions must be fulfilled. It is necessary that there should be a nationality Law for that place which provides:-

(1) that descendants born abroad of a subject migrating from that place possess the status of a subject of that place for the requisite number of generations: Vide Article II of the Persian Law of Nationality: and

(2) that children born in that place to Persian fathers have the right of renouncing the nationality of that place on attaining the age

age of 18 years. Vide Article III of the Persian Law of Nationality.

3. The class of British-protected person most concerned are the emigrants from the Hyderabad / Kashmir State and for the present, at any rate, the Government of India consider that it will be sufficient if necessary measures are taken to secure to those emigrants the right to receive British protection in Persia. I am to suggest therefore that, should you see no objection, His Exalted Highness the Nizam's Government / the Kashmir Darbar may be asked kindly to issue a notification introducing a Nationality Law, or amending any existing Law, in order to provide that :-

(a) descendants of Hyderabadi / Kashmiri emigrants born abroad are considered to be Hyderabadi / Kashmiri national for two generations; and

(b) descendants of foreigners born in the Hyderabad / Kashmir State have the right of retaining the nationality of their country of origin (and incidentally of renouncing Hyderabadi / Kashmiri nationality) on reaching the age of 18 years.

A Law of this description would, the Government of India are advised, be adequate for the purpose intended.

4. As under Article I of the Supplementary Persian Nationality Law passed on the 21st October 1930 (copy forwarded herewith) it will be necessary for descendants of Hyderabadi / Kashmiri emigrants, if they are to retain the right to British protection, to furnish certificates by the 21st October 1931, to the Persian Minister for Foreign Affairs, to the effect that they are recognised as nationals of their place of origin, I am to request that, if you see no objection, His Exalted Highness the Nizam's Government / the Kashmir Darbar be asked.

asked kindly to issue, as soon as possible, the notification referred to above.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- H.A.F. Metcalfe,

Deputy Secretary to the Government of India.

( ) Not to Baluchistan.

Copy, (with copy of enclosures), to :-

The Secretary to the Government of Bombay, Political Department,

The Chief Secretary to the Government of the United Provinces,

" " " " " Government of the Punjab,

The Hon'ble the Resident in Mysore,

" " " Agent to the Governor General in Central India,

" " " " " " " General in Rajputana,

" " " " " " " General and Chief Commissioner in Baluchistan,*

" " " " " the Governor General in the States of Western India,

" " " " to the Governor General, Punjab States,

The Agent to the Governor General, Madras States,

with the request that, (with the permission of His Excellency the Governor) if you see no objection, those Darbars whose subjects are in the habit of migrating to Persia may be advised of the introduction of the Persian Law of Nationality and the steps to be taken by their

*with reference to the endorsement from the Government of India in the Foreign and Political Department, No.F.204-N/28 dated the 5th June 1931.

( ) To Bombay U.P. and Punjab Governments only.

their subjects, or their descendants, in order to retain their status of British-protected persons.

By order, etc.,

Sd/- H.A.F. Metcalfe,

Deputy Secretary to the Government of India.

Persian Law of Nationality as passed by the National Consultative Assembly. Dated Shahrivar 16,1308 (September 7th, 1929).

Article I.

The following persons are deemed Persian subjects:-

(1) All residents of Persia with the exception of those whose foreign nationality is established. The foreign nationality of a person is considered as established when his documents of nationality are not objected to by the Persian Government.

(2) All those persons whose fathers are Persian, whether those persons were born in Persia or abroad.

(3) Those born in Persia of unknown parents.

(4) Those born in Persia of foreign parents one of whom was born in Persia.

(5) Those born in Persia whose fathers are foreign subjects, but who at the time of reaching the age of 18 are residing in Persia.

(6) All foreign women who marry a Persian husband.

(7) All foreign subjects who have obtained Persian nationality.

Note:- Children born of foreign political or consular representatives are not subject to paragraphs (4) and (5).

Article II.

Persons mentioned in paragraphs (4) and (5) will have the right, after reaching the age of eighteen, to adopt the nationality of their father within one year, on condition that during the above period they submit a written declaration to the Ministry of Foreign Affairs annexed to

to a certificate from their father's Government to the effect that that Government will recognise them as its own subjects.

Article III.

Reciprocal treatment will be observed in regard to those children born in Persia of nationals of States in whose territories children born of Persian subjects are deemed, according to regulations, to be their own subjects and whose Governments do not allow those persons to resume Persian nationality except by (special) permission.

Article IV.

Those possessing the following conditions can obtain Persian nationality :

(1) Having reached the age of 18 (full) years.

(2) Having resided in Persia for five years, whether continuously or in broken periods.

(3) Not being a deserter from conscription.

(4) Not having been condemned in any country for an important offence (junheh) or crime (jinayat) of a non-political nature.

In regard to paragraph (2) of this article, a period of sojourn abroad in Persian Government service is counted as a sojourn in Persia.

Article V.

Those who have rendered some service, or afforded notable assistance, to Persian public welfare can be accepted as Persian subjects without the observance of the condition of residence.

Article VI.

If, within a period of five years from the date of issue of the document of nationality, it be found out that the person who has been accepted as a Persian subject is a deserter from conscription, or if before the expiry of the time limit laid down in the Persian Law of Prescription

Prescription (Statute of Limitations), it be found out that the person who has been accepted as a subject has been condemned for an important offence (junheh) or a public crime (jinayati-umumi), the Council of Ministers will issue a decree discharging him from Persian nationality.

Article VII.

Those who have obtained, or who shall obtain, Persian nationality will enjoy all the rights given to a Persian except the right of promotion to the position of Minister or acting Minister, or to any political post abroad. But they cannot attain to the following situations except after ten years from the date of issue of the document of nationality :-

(1) Membership of legislative assemblies.

(2) Membership of provincial or district assemblies.

(3) Engagement in the Persian Foreign Office.

Article VIII.

Applications for (Persian) nationality must be submitted to the Foreign Office directly or through Governors-General or Governors, with the following enclosures :-

(1) Certified copies of document of identity of the applicant, his wife and his children.

(2) A certificate from the Police Office stating the period of sojourn of the applicant in Persia and certifying that he has not bad record and that he has adequate wealth or definite employment to secure his livelihood.

The Foreign Office will give a receipt stating the date of receipt of the application and, if necessary, will complete the information about the applicant and will forward it (the application) to the Council of Ministers for an appropriate decision by them as to its acceptance or rejection. In case of acceptance of the application, a

a document of nationality will be issued to the applicant.

Article IX.

The wives and minor children of those who acquire Persian nationality in accordance with this law will be recognised as Persian subjects. The wife, however, within a period of one year from the date of the issue of the document of nationality of her husband, and the minor children within one year from reaching the age of eighteen (full) years, can give a written declaration to the Ministry of Foreign Affairs and can accept the nationality of the father's or husband's previous country as the case may be : in the case of male children, however, the certificate mentioned in Article II must be annexed to the declaration.

Article X.

The acquisition by the father of Persian nationality will have no effect whatsoever on the children who have reached the age of eighteen (full) years on the date of the application by the father.

Article XI.

Non-Persian women who become Persian in consequence of marriage can, after separation from or after the death of their Persian husbands, return to their original nationality on condition that they inform in writing the Ministry of Foreign Affairs. But any widow who has children from her former husband cannot enjoy this right until her children reach the age of eighteen years. In any case the woman who in virtue of this article becomes a foreign subject will have no right of possessing immoveable property, except within the limits of the rights which may be granted to foreign subjects. If she had previously possessed, or inherits later, immoveable property in excess of that which foreign subjects are allowed to possess, she must, within one year from the date of relinquishing Persian nationality or

or from the date of coming into possession of the inheritance, as the case may be, transfer the excess property, in some way or other, to Persian subjects; otherwise the said property will be sold under the supervision of the local Public Prosecutor and after deducting the cost of the sale the price will be paid to her.

Article XII.

Persian women who marry foreign subjects will remain Persian subjects, unless according to the law of the country of the husband the nationality of the husband is imposed on the wife by virtue of the marriage; but in any case, after the death of the husband or cessation of the marriage, on the mere submission of an application to the Foreign Office annexed to the certificate of the death of the husband or the document proving the cessation of the marriage, the original nationality of the woman, with all rights and privileges, will again accrue to her.

Article XIII.

Persian subjects cannot relinquish their nationality except on the following conditions :-

(1) That they have reached the age of eighteen full years.

(2) That the Council of Ministers shall have authorised their discharge from Persian nationality.

(3) That they shall have given an undertaking previously that within one year from the date of relinquishing their nationality they will transfer, in some way or other, to Persian subjects, the rights in respect of immoveable property which they possess in Persia or which they may in future obtain by inheritance, even if Persian laws permit

permit their possession by foreign subjects. The wife and children (whether minor or not) of him who, in virtue of this article, relinquishes Persian nationality, will not be discharged from Persian nationality unless the authority given by the Council of Ministers includes them also.

Article XIV.

If a Persian national obtains foreign nationality without observing the above-mentioned stipulations, his foreign nationality will be deemed as null and void and he will be recognised as a Persian subject. But at the same time all his immoveable property will be sold under the supervision of the local Public Prosecutor and after deducting the cost of the sale the price will be paid to him. In addition he will be deprived from attaining to the positions of Minister, Assistant Minister, member of legislative assemblies, or member of provincial, district or municipal councils, or to any other Government employment.

Article XV.

Persian subjects who personally or through their father's acts have changed their nationality in virtue of these stipulations, and who desire to return to their original nationality, will be accepted as Persian subjects immediately upon application.

Article XVI.

This law will be put into effect from the 20th Shahriver, 1308 (September 11th, 1929).

Translation of an Act consisting of two Articles, Supplementary to the Persian Nationality Law, as passed by the Mejliss in its 161st sitting of Tuesday, Mehr Mah 29th, 1309 (21st October 1930).

Article I.

Persons coming under one of the Sections 4 or 5 of Article I of the Nationality Law passed on Shahrivar 16th, 1308 (7th September 1929) and who may have passed the age of 18 at the date of the enforcement of the said law, can adopt the nationality of their fathers provided that within one year from the date of passage of this law * they tender to the Ministry for Foreign Affairs their written declaration, to which a certificate is attached from the Government of which their fathers are subjects to the effect that the applicants are recognised as their nationals.

Article II.

In order that persons coming under Section V of Article I of the Nationality Law of Shahrivar 16th, 1308 (7th September 1929), may be recognised as Persian subjects, they should have resided in Persia at least one more year immediately after attaining the age of 18; otherwise their recognition as Persian subjects would have to be subject to the stipulations laid down in the Law of Shahrivar 16th, 1308 (7th September 1929) for Acquisition of Persian Nationality (Article IV and subsequent Articles), even in the case when the above mentioned persons may subsequently have returned to Persia and resided there.

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* i.e., Supplementary Act,